

RECEIVED

OCT 07 2014

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

10/30/2014

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Victor Watkins

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Case No: 13CV09239
(To be supplied by the Clerk of this Court)

Anthony Martin
STAR# 14313
(Individual Capacity)

Judge Zagel

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

Amended Complaint

☒ COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐ COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐ OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: Victor Watkins
- B. List all aliases: none
- C. Prisoner identification number: B-37732
- D. Place of present confinement: Centralia C.C
- E. Address: P.O. Box 7711 Centralia IL 62801

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In **A** below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in **B** and **C**.)

- A. Defendant: Anthony Martin
Title: Police Officer
Place of Employment: Chicago Police Dept.
- B. Defendant: _____
Title: _____
Place of Employment: _____
- C. Defendant: _____
Title: _____
Place of Employment: _____

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: N/A
- B. Approximate date of filing lawsuit: 7/12
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

- D. List all defendants: N/A
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: N/A
- G. Basic claim made: N/A
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On 4-8-13 Defendant Anthony Martin # 14313
 Walked in a closed AA meeting at 6225 S Drexel
 in a Senior Citizen Bldg. and arrested plaintiff
 for a ~~Burglary~~ Burglary that never was reported
 without arrest warrant, eye witness or probable
 cause. This Alleged Burglary was not committed
 in the Defendants presence nor was the Alleged
 Burglary reported. On 8-4-11 Dorita Nurse file
 a incident report for Theft of over \$500
 RD# HT431613 (report attached) because there
 were allegedly ~~was~~ some ~~on~~ items missing for
 her perfectly intact car. DNA (Blood) was
 smear on the car door Allegedly. 20 months
 later Defendant used this Theft report
 to illegally arrest plaintiff for Burglary with
 Absolutely no evidence that a Burglary ever
 occurred and no Burglary investigation was
 in progress. Defendant made this illegally
 arrest despite being told by Detective/Investigator
 of the Theft "Do not Arrest Solely" ^{Revised 9/2007} on the
 basis of this DNA information

Defendant never even attempted to contact
 the Alleged Victim to see if she wanted to
 pursue charges. Defendant made himself Judge,
 Jury, and Executioner in this willful and wanton
 Abuse of his Authority. Defendant mocked, laughed
 and ridiculed plaintiff while in custody. Plaintiff
 was convicted and sentence to 12 years IDoc
 and is currently appealing his conviction. Plaintiff
 suffers from Nightmares, Depression, crying
 and headaches as a result of Defendant's
 Actions. Plaintiff seek 1 million in compensatory
 Damages 1.5 million in punitive Damages
 for False Arrest, False imprisonment, Due
 Process Violation, and Intentional Infliction
 of Emotional Distress. Defendant Violates
 State Law and Federal rights 4th and
 14 Amendments. CA 9-19-13 under oath
 Defendant Admitted to most of these
 Allegation Defendant Didn't even have a
 Confirmatory swab sample of plaintiff
 DNA to prove the Plaintiff was the
 person in theft investigation. Plaintiff
 was arrested on suspicion and speculation

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

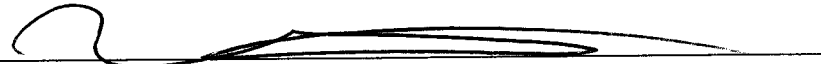
1 million in Compensatory Damages
 1.5 million in punitive Damages
 And @ Deny any Dispositive motions
 based on them being a pointless
 waste of Courts time

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 2 day of Oct, 2014


 (Signature of plaintiff or plaintiffs)

Victor Watkins
 (Print name)

B-37732
 (I.D. Number)

PO Box 7711
Centralia Ill 62801
 (Address)

CHICAGO POLICE DEPARTMENT

FINAL APPROVAL

CB #: 18632848

IR #: 883968

YD #:

RD #: HT431613

EVENT #: 1121611406

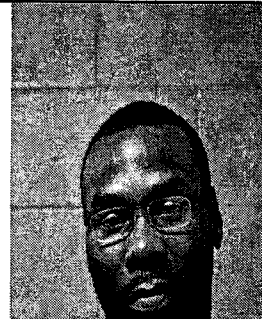

ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653

(For use by Chicago Police Department Personnel Only)

CPD-11. 420C (REV. 6/30)

ARREST REPORTING

OFFENDER	Name: WATKINS, Victor L		Res: 520 E 47th St, #108 Chicago, IL 60653 None		Beat: 221	DOB: 19 August 1970	AGE: 42 years	POB: Illinois	STID : 32587270236W - ILLINOIS	ARMED WITH Unarmed	Male Black 6' 02" 175 lbs Brown Eyes Black Hair Short Hair Style Dark Complexion	
INCIDENT	Arrest Date: 08 April 2013 10:10		Location: 6225 S Drexel Ave Chicago, IL 60637 090 - Apartment		TRR Completed? No Beat: 313	Total No Arrested: 1	Co-Arrests	Assoc Cases	DCFS Ward ? No			
	Holding Facility: District 008 Lockup		Resisted Arrest? No		Dependent Children? No							
CHARGES	1 Offense As Cited 720 ILCS 5.0/19-1-A BURGLARY Class 2 - Type F											
												
FELONY REVIEW	Felony Review : Approved 08 APR 2013 18:25 Hardman, State's Attorneys's Office											
RECOVERED NARCOTICS	NO NARCOTICS RECOVERED											

Chicago Police Department - ARREST Report

CB #: 18632848

WATKINS, Victor

ARREST REPORTING

WARRANT

NO WARRANT IDENTIFIED

VICTIM AND COMPLAINANT

NON-OFFENDER(S)

Name

Res

Beat:215

Female

Black

Injured? No

Deceased? No

ARRESTEE
VEHICLE

NO ARRESTEE VEHICLE INFORMATION ENTERED

PROPERTIES

Confiscated Properties :

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR WATKINS, Victor, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

INCIDENT NARRATIVE

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

EVENT #04430

ON TODAYS DATE AND TIME THE OFFENDER WAS LOCATED AT 6225 S DREXAL WHERE HE WAS PLACED INTO CUSTODY FOR BURGLARY AND TRANSPORTED INTO THE 008 DISTRICT FOR PROCESSING. ON 04-AUG-2011 THE VICTIMS CAR WAS BROKEN INTO AND PROPERTY VALUED AT OVER 1200 USC WAS TAKEN WITHOUT THE VICTIMS PERMISSION. THE OFFENDERS DNA (BLOOD) WAS RECOVERED FROM THE VICTIMS VEHICLE WHICH WAS REPORTED UNDER ISP CASE #C-11-34811 AND DNA ASSOCIATION #15730

NAME CHECK AND INVESTIGATIVE ALERT CHECK CLEAR
NOT IN TRAP OR GIPP
PRISONER PROPERTY INVENTORIED UNDER #12875530

COURT INFO

Desired Court Date: 15 April 2013
Branch: 48-4 155 W 51ST ST - Room
Court Sgt Handle? No
Initial Court Date: 09 April 2013
Branch: CBC-1 2600 S CALIFORNIA - Room100
Docket #:

BOND INFO

BOND INFORMATION NOT AVAILABLE

Chicago Police Department - ARREST Report

CB #: 18632848

WATKINS, Victor

ARREST REPORTING

ATTESTING OFFICER:

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer: #14313 MARTIN, A J [REDACTED] 08 APR 2013 11:09

ARRESTING OFFICER(S):

1st Arresting Officer: #14313 MARTIN, A J ([REDACTED] Beat 0806F
2nd Arresting Officer: #11143 SIKORSKI, J F [REDACTED] 0806F

APPROVING SUPERVISOR:

Approval of Probable Cause : #1982 POPP, K A [REDACTED] 08 APR 2013 11:19

REPORTING PERSONNEL

CHICAGO POLICE DEPARTMENT
ORIGINAL CASE INCIDENT REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11.388(6/03)-C

RD #: HT431613
EVENT #: 1121611406
Case ID: 8198103 CASR229

ASSIGNED TO FIELD

IUCR: 0810 - Theft - Over \$500

Occurrence Location: 352 E 46th St

Beat: 0222

Unit Assigned: 0202

Location: Chicago IL
304 - Street

RO Arrival Date: 04 August 2011 14:48

Offenders: 1

Occurrence Date: 04 August 2011 02:00 - 04 August 2011 07:00

VICTIM - Individual

Name: NURSE, Donita

Res: [REDACTED]

Beat: 0222

Beat: 5100

Demographics

Female
Black

DOB: [REDACTED]

Age: [REDACTED]

Birth Place: [REDACTED]

DLN: [REDACTED]

Sobriety: Sober

Other Communications and Availability

Residence

Phone: [REDACTED]

Available Time

Suspect #1

Name: UNK

Demographics

Other Communications and Availability

RELATIONSHIP

(Victim)

NURSE, Donita

is a Unknown of

(Offender)

UNK

IN SUMMARY VICTIM STATED THAT ON THE ABOVE DATE AND TIME SHE WAS INFORMED BY HER NEIGHBOR THE HER PASSENGER SIDE DOOR WAS OPEN. FURTHER INVESTIGATION REVEALED THAT SOMEONE HAD BROKEN INTO HER AUTO, A 2001 HYUNDAI ACCENT PLATE #Y361008, AND TOOK HER PROPERTY FROM SAME. VICTIM OBSERVED HER HAIR CARE PRODUCTS WERE MISSING AS WELL AS HER MEDICATION FOR LUPUS. THE VICTIM ALSO OBSERVED BLOOD ON THE PASSENGER SIDE DOOR HANDLE. R/O REQUESTED AN E.T. BT5813 FOR SAME. TAKEN WAS A CASE OF HAIR CARE PRODUCTS VALUED AT 1000USC AND VICADEN PILLS VALUED AT 300USC. NO OTHER INFO AT THIS TIME.

PERSONNEL

	Star No	Emp No	Name	User	Date	Unit	Beat
Approving Supervisor	855	#52957	CLIFFORD, John, P	(PC0E950)	04 Aug 2011 20:27	002	
Detective/Investigator	20814	#31733	FREEMAN, Daniel, R	(PC0R615)	09 Aug 2011 12:33	610	
Detective/Investigator	20814	#31733	FREEMAN, Daniel, R	(PC0R615)	27 Mar 2013 11:44	610	
Detective/Investigator	20160	#54658	MATEO JR, Evelio	(PC0J828)	27 Mar 2013 09:44	606	
Reporting Officer	19889	#55099	JOYNER, Deborah, P	(PC0J848)	04 Aug 2011 17:53	002	0202

CHICAGO POLICE DEPARTMENT
CASE SUPPLEMENTARY REPORT3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police - Bureau of Investigative Services Personnel Only)

HT431613

Case id : 8198103
Sup id : 9945042 CASR339

LAB REPORT				DETECTIVE SUP. APPROVAL COMPLETE			
Last Offense Classification/Re-Classification		IUCR Code		Original Offense Classification		IUCR Code	
THEFT / Over \$500		0810		THEFT / Over \$500		0810	
Address of Occurrence		Beat of Occur		No of Victims		No of Offenders	
[REDACTED]		215		1		1	
Location Type		Location Code		No of Arrested		SCR No	
Street		304		0			
Date of Occurrence		Unit Assigned		Secondary Location		Hate Crime	
04-AUG-2011 02:00 - 04-AUG-2011 07:00		0202				No	
				Date RO Arrived		Fire Related?	
				04-AUG-2011 14:48		NO	
						Gang Related?	
						NO	
						Domestic Related?	
						NO	
Reporting Officer		Star No		Approving Supervisor		Star No	
MATEO JR, Evelio		20160		NOWAKOWSKI, John		1394	
Date Submitted		Date Approved		Primary Detective Assigned		Star No	
27-MAR-2013 09:54		02-APR-2013 16:18		FREEMAN, Daniel		20814	
				Assignment Type			
				FIELD			

THIS IS A FIELD INVESTIGATION LAB REPORT REPORT

VICTIM(S):

[REDACTED]
Female / Black [REDACTED]
DOB: [REDACTED]
RES: [REDACTED]
BIRTH: [REDACTED]

TYPE: Individual

SOBRIETY: Sober

OTHER COMMUNICATIONS:

Residence [REDACTED]

Phone: [REDACTED]

DLN/ID: [REDACTED]

SUSPECT(S)

UNK

RELATIONSHIP OF VICTIM TO OFFENDER:

[REDACTED]

- Unknown

LOCATION OF
INCIDENT:Chicago IL
304 - StreetDATE & TIME OF
INCIDENT:

04-AUG-2011 02:00 - 04-AUG-2011 07:00

METHOD CODE(S):

Theft From Auto Non-Acc

CAU CODE(S):

Dna

PERSONNEL

Detective/Investigator

ASSIGNED:

MATEO JR, Evelio

20160

HT431613

HT431613

DETECTIVE SUP. APPROVAL COMPLETE

FREEMAN, Daniel R # 20814

FREEMAN, Daniel R # 20814

Reporting Officer

JOYNER, Deborah P # 19889

BEAT: 0202

CRIME CODE

0810 - Theft - Over \$500

SUMMARY:

0810 - Theft - Over \$500

IUCR ASSOCIATIONS:

UNK

(Victim)

(Suspect)

REPORT DISTRIBUTIONS:

No Distribution

INVESTIGATION:

THIS IS A DNA ASSOCIATION REPORT SUBMITTED BY THE DNA UNIT.

Date / Time assigned: 27-MAR-13 0944 hrs.

Victim: [REDACTED]

Subject of DNA Association: WATKINS, Victor

A DNA Association notification was received from Kathleen KOZAK, CODIS administrator for the Illinois State Police Forensic Science Center at Chicago, regarding DNA association #15730 ISP Case #C11-34811.

Illinois State Police
Forensic Science Center at Chicago
1941 West Roosevelt Rd.
Chicago, IL 60608-1229
(312) 433-8000

Association #15730

From: KAREN ABBINANTI

Date: 3/26/2013

Re: CODIS Convicted Offender Association

This information is being provided for investigative purposes only. You should not make an arrest solely on the basis of this information.

Note: An additional DNA standard (buccal swab or blood sample) from the convicted offender is necessary for confirmatory forensic analysis. Please complete an Evidence Submission Form and submit the standard to the CPD Division of Forensic Services. Once a standard has been submitted, a laboratory report with statistics will be forthcoming.

HT431613

DETECTIVE SUP. APPROVAL COMPLETE

Investigating Officer: Det. Freeman

Submitting Agency: CPD UNIT 610

RD/Agency Number: HT431613

Lab Case Number: C11-34811

Victim(s) Name: [REDACTED]

Suspect(s) Name: n/a

Offense: Theft

Offender name: Victor Watkins

DOB: 08/19/1970

SID#: IL28879670

IL IDOC#: B37732

Additional Information: Male profile identified on swabs from interior passenger side door (inv# 12383947) matches convicted offender.

If you have any questions or require additional information please contact Forensic Scientist and CODIS Administrator Kathleen Kozak at ext. 2270.

R/D has no knowledge of this case and is only submitting this report to document the association provided to us from the ISP Forensic Science Center at Chicago.

Det E. Mateo #20160

1 OPENING STATEMENT

2 BY

3 THE DEFENDANT:

4 Your Honor, the basis of my challenge is
5 this, um, I was picked up and charged with a burglary.
6 Now, according to what I have in front of you right
7 now, there was never a burglary report made for me, and
8 I have no -- the CODIS hit for my information I've
9 gathered has no legal basis. So I'm challenging my
10 arrest based on probable cause.

11 And on top of that, the Illinois State
12 Police information that they arrested me on clearly
13 says that they should not arrest me based on that
14 information by itself, and that's grounds for my
15 challenge, and the statement that they got, I never
16 made.

17 THE COURT: Okay. All right. Call your witness.

18 THE DEFENDANT: Officer Martin.

19 THE CLERK: Raise your right hand, please.

20 (Witness duly sworn.)

21 THE WITNESS: I do.

22 MS. OLSON: Judge, would you like the defendant at
23 counsel table?

24 THE COURT: Wherever he wants to go.

1 (Whereupon there was a short pause
2 in the proceedings)

3 ANTHONY MARTIN,
4 a witness herein, called on behalf of the petitioner,
5 having been first duly sworn, was examined and
6 testified as follows:

7 DIRECT EXAMINATION

8 BY

9 THE DEFENDANT:

10 Q Officer Martin, can you state for the
11 record --

12 THE COURT: You don't have to sit there, you can
13 come out here if you want (Indicating). You just got
14 to speak up because it's a big room.

15 THE DEFENDANT Q Officer Martin, can you state
16 for the record your name and spell your last name and
17 your star number and your assignment?

18 A Officer Anthony Martin, M-a-r-t-i-n, Star No.
19 14313, currently assigned to the 8th District, Chicago
20 Police Department.

21 Q Okay, you're assigned to the 8th District?

22 A Yes, sir.

23 Q Um, on April 8, 2013, where were you at
24 approximately 9:30?

1 A I believe I was in the 8th District station.

2 Q And what were you doing in the 8th District
3 station?

4 A Ah, working on a burglary case.

5 Q A burglary case. And who -- did anyone file
6 a burglary charge in this burglary case?

7 A I don't understand what you're asking me.

8 THE COURT: Do you understand that question?

9 THE WITNESS: No, sir.

10 THE COURT: Okay, rephrase the question.

11 THE DEFENDANT Q You were working on a burglary
12 case, that means there was case report for a burglary,
13 correct?

14 A Yes.

15 Q Okay, who was the victim in the case report
16 that you were investigating a burglary for?

17 A I don't recall her name.

18 Q Now, after -- while you were investigating an
19 alleged burglary case, what did you do next?

20 A Detective Freeman (phonetic) gave me a
21 report, a DNA report that came back from the scene of
22 the burglary, that was recovered from the vehicle in
23 question. With that information, your name was on that
24 report as the DNA in question. With that, I ran your

1 name through our computer system and learned that you
2 were a victim in a possible robbery report -- a robbery
3 case I believe. You had listed a phone number, and I
4 proceeded to call you.

5 Q And what did you tell me when you called?

6 A I told you I was investigating your case, and
7 that I had some pictures that I wanted to show you, at
8 which time you said you didn't want to proceed. I then
9 asked you if it would be okay if I came out and you
10 sign a refusal to prosecute. And also I wanted to show
11 you some pictures to help me go further in that case.

12 Q And then what happened?

13 A You agreed, you gave me your location, and
14 myself and Officer Campbell went to that location where
15 you were, I believe at an A A meeting, and at that
16 point and time, you were placed into custody.

17 Q So you're saying that you located me based
18 on -- I was placed in custody because I -- you got
19 information that I was at an A A meeting, and I gave
20 you the information because I was supposed to sign some
21 papers based on a robbery report that I made, correct?

22 A No, you were placed in custody because your
23 DNA came back from a scene of a burglary.

24 Q What type of -- what was the defendant doing

1 at the time when you arrested him?

2 A I believe you were at an alcohol anonymous
3 meeting.

4 Q So the defendant was doing nothing illegal at
5 the time of the arrest?

6 A Not to my knowledge.

7 Q Okay. Now, you came from the 8th District to
8 make a felony arrest without a warrant?

9 THE COURT: He wants to know if you had a warrant.

10 THE WITNESS: No, I did not have a warrant.

11 THE COURT: He didn't have a warrant.

12 THE DEFENDANT Q Okay, you came from the 8th
13 District to the 3rd District to make a defendant arrest
14 without a warrant?

15 A Correct.

16 Q Okay, now this alleged crime happened in the
17 2nd District?

18 A I'm sorry.

19 Q This alleged crime happened at 46th and King
20 Drive, correct?

21 A I don't recall the address.

22 Q I have an incident report that says the
23 investigation was a theft, not a burglary, can you
24 explain to me why the defendant was arrested for a

1 burglary?

2 A The case reporting purposes for the police
3 department, if someone breaks into a car, it's a theft
4 case report. Charging is different than case
5 reporting. For breaking into a car, you could be
6 charged with a burglary.

7 Q Now, you said at the time of the arrest, the
8 defendant wasn't doing anything wrong. The arrest
9 report makes no mention also of you contacting the
10 victim to make the victim -- for the victim to press
11 charges, at what point did you contact the victim to
12 press charges?

13 MS. BHANDARI: Objection to the form of the
14 question.

15 THE COURT: Do you understand the question. He
16 wants to know if you ever talked to the victim --

17 THE WITNESS: Correct.

18 THE COURT: What's the answer?

19 THE WITNESS: I didn't talk to the victim, that
20 would be Detective Freeman's job.

21 THE DEFENDANT Q But you're the arresting
22 officer.

23 A Yes.

24 Q So you arrested the defendant without

1 contacting the victim?

2 A Yes, you were placed into custody based on
3 DNA results from the scene.

4 Q Okay --

5 A The victim was contacted by Detective
6 Freeman.

7 Q Okay. Now, I have some information here --
8 Give me one second, your Honor.

9 THE COURT: Sure.

10 (Whereupon there was a short pause
11 in the proceedings)

12 THE DEFENDANT Q So you arrested the defendant
13 based on a CODIS hit, correct?

14 A Yes.

15 Q Okay, is that from the Illinois State Police?

16 A I believe so.

17 Q Okay, is this what the basis of your arrest
18 was?

19 A I can't really see that.

20 THE COURT: You can walk up and hand it to him.
21 That's defense's number one.

22 What is that, officer?

23 THE WITNESS: That is a supplementary report done
24 by, I would assume the detective.

1 THE COURT: What do you want to know about the
2 supplementary report?

3 THE DEFENDANT Q Is this the basis of your
4 arrest?

5 A No, this is done after the fact. The CODIS
6 hit is a separate report by itself.

7 THE COURT: He didn't write the report. You got
8 to ask him about (Inaudible).

9 THE DEFENDANT: Okay, the question I'm asking,
10 your Honor, is this report that I have is from the
11 Illinois State. It says it is CODIS hit, this is the
12 information that they gathered --

13 THE COURT: He said he got information from the
14 Illinois State Police. You can ask him about the
15 information he received. That's not relevant what
16 somebody else put in a police report.

17 THE DEFENDANT: Okay, the reason I asked this,
18 your Honor, is if the basis of this arrest was based on
19 a miscommunication from this CODIS hit, it says clearly
20 on this report that this is for investigative purposes
21 only, and they should not have made an arrest based
22 solely on this information.

23 THE COURT: You can ask him about the information
24 he received, not what somebody else said.

1 THE DEFENDANT Q Okay, what information did you
2 receive from the CODIS hit?

3 A That you were identified through the CODIS
4 hit as leaving DNA at the scene of a burglary.

5 Q Okay, you said the information that the CODIS
6 hit says that the information that I left DNA at the
7 scene of a burglary?

8 A I believe it came back with your name and
9 your IR number, yes.

10 Q But I'm looking at the CODIS hit from the
11 supplementary report that says it makes no mention of a
12 burglary?

13 A That's not the CODIS report, that's a
14 supplementary report that's done by a detective.
15 That's different from a CODIS hit.

16 Q So you're saying this is not the basis of
17 your arrest -- of the arrest?

18 A That's a report generated by a detective,
19 that's not the CODIS report.

20 THE COURT: Post arrest?

21 THE WITNESS: That I don't -- I don't know if it
22 was post --

23 THE DEFENDANT: The reason I'm bringing this up,
24 your Honor, I'm looking at the arrest report here, and

1 the arrest report, it says, it says were --

2 MS. OLSON: Objection, Judge.

3 THE COURT: You don't get to read from the arrest
4 report.

5 THE DEFENDANT: Okay, in the arrest report, the
6 official arrest report, it says that the defendant was
7 arrested --

8 MS. OLSON: Objection.

9 THE COURT: Did you understand what I just said.
10 If you have a question of this witness, ask the
11 witness, don't tell me what the report says.

12 THE DEFENDANT Q Okay, in your arrest report, why
13 did you say that you arrested the defendant based on
14 what?

15 A Based on DNA results, and I believe I put the
16 report number in there or the CODIS hit number in the
17 report.

18 Q Okay, is the case number for this CODIS hit,
19 C 11 34811, and DNA Association No. 15730?

20 A I don't know it offhand. I'd have to look at
21 it.

22 THE DEFENDANT: Can I show him.

23 THE COURT: Did you put that in your report?

24 THE WITNESS: I did write the narrative --

1 THE COURT: Is that your report?

2 THE WITNESS: If it's the arrest report, then yes.

3 THE COURT: Well, then show him to see if it's the
4 arrest report. That's defendant's number two.

5 Is that the arrest report?

6 THE WITNESS: Yes.

7 THE COURT: Did you write that information?

8 THE WITNESS: Yes.

9 THE COURT: Okay, so it is what it is, he wrote
10 it.

11 THE DEFENDANT Q Okay, now based on this arrest
12 report, these numbers that is on this arose report and
13 CODIS hit matches the same thing on this information
14 right here. So the basis of your arrest was based on
15 this information from the CODIS from the Illinois State
16 Police, correct?

17 THE COURT: Now, you're holding another piece of
18 paper that you haven't identified. He's already said
19 to you that's not the CODIS hit.

20 THE DEFENDANT: Okay, your Honor, bare with me,
21 please because I'm holding this case report, this
22 supplementary case report, and the numbers on this
23 supplementary case report from the forensic -- from the
24 Illinois State Police Forensic Science Center has the

1 exact same numbers on this arrest report, but --

2 THE COURT: Okay.

3 THE DEFENDANT: But on this supplementary report,
4 it says clearly do not arrest based on this
5 information.

6 MS. OLSON: Objection.

7 THE COURT: He didn't write that report. You
8 can't ask him about what somebody else reported. If
9 you want to know what the Illinois State Police has to
10 say about that, you need to call the Illinois State
11 Police has to say about that, you need to call the
12 Illinois State Police, not him, he works for Chicago.

13 THE DEFENDANT: Okay, that's what I'm getting
14 confused about, your Honor.

15 THE COURT: Well, there's nothing to be confused
16 about. He arrested you, he told you why. Because you
17 don't like it is not a reason to keep asking him the
18 same question. If you think there's some reason why he
19 shouldn't have arrested you based on the CODIS hit,
20 then you need to call the Illinois State Police who
21 wrote that or the detective, but not him.

22 THE DEFENDANT: Okay.

23 THE COURT: He didn't write any of that.

24 Did you?

1 THE WITNESS: No.

2 THE COURT: There you go.

3 THE DEFENDANT Q The basis of your arrest was a
4 police communication or a CODIS hit from police
5 communication?

6 A You were brought in because of your DNA and
7 CODIS hit, yes.

8 THE COURT: It's clear why he arrested you. I
9 have no problem understanding why he arrested you.

10 THE DEFENDANT Q Okay, how did you find out about
11 this CODIS hit?

12 A Through Detective Freeman.

13 Q So through police communication, right?

14 A Through a detective, yes.

15 THE DEFENDANT: Your Honor, can I cite case law on
16 that.

17 THE COURT: On what?

18 THE DEFENDANT: On what he just said.

19 THE COURT: No, that's for argument.

20 Are you done asking him questions?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you have any questions of this
23 officer?

24 MS. BHANDARI: No, Judge.